

SENATE JOINT RESOLUTION NO. 5

(By Senators Sypolt, Boley, Hall, K. Facemyer and Nohe)

[Introduced January 13, 2011; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

Proposing an amendment to the Constitution of the State of West
Virginia, amending article III thereof by adding thereto a new
section, designated section twenty-three, relating to the
marriage protection amendment; prohibiting the state from
recognizing same-sex marriages; prohibiting the state from
recognizing a legal status for relationships that are similar
to marriage; numbering and designating such proposed
amendment; and providing a summarized statement of the purpose
of such proposed amendment.

*Resolved by the Legislature of West Virginia, two thirds of
the members elected to each house agreeing thereto:*

1 That the question of ratification or rejection of an amendment
2 to the Constitution of the State of West Virginia be submitted to
3 the voters of the state at the next general election to be held in
4 the year 2012, or at any special election held subsequent thereto,
5 which proposed amendment is that article III thereof be amended by
6 adding thereto a new section, designated section twenty-three, to
7 read as follows:

8 **ARTICLE III. BILL OF RIGHTS.**

9 **§23. Marriage Protection Amendment.**

10 Only a union between one man and one woman may be a marriage
11 valid in or recognized by this state and its political
12 subdivisions. This state and its political subdivisions shall not
13 create or recognize a legal status for same-sex relationships to
14 which is assigned the rights, benefits, obligations, qualities or
15 effects of marriage.

16 *Resolved further,* That in accordance with the provisions of
17 article eleven, chapter three of the Code of West Virginia, 1931,
18 as amended, such proposed amendment is hereby numbered "Amendment
19 No. 1" and designated as "The Marriage Protection Amendment" and
20 the purpose of the proposed amendment is summarized as follows:
21 "To amend the State Constitution to restrict marriage to one man
22 and one woman; and to prohibit the state from recognizing same sex
23 marriages."

NOTE: The purpose of this resolution is to amend the State Constitution in order to prohibit the state from recognizing same sex marriages.

This section is new; therefore, strike-throughs and underscoring have been omitted.